THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17460 OF 2006

23.08.2006

Between:

M/s.Srinidhi Purified Drinking Water, represented by its owner Smt.V.Padma W/o.Ramesh Babu, Bank Colony, Khammam

… Petitioner

AND

The Revenue Divisional Officer, Khammam, Khammam District
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17460 OF 2006

ORDER:

On a complaint given by the Food Inspector, Khammam, the Sub Divisional Executive Magistrate, Khammam – the first respondent herein; exercised power purportedly under Section 133 read with 141 of Criminal Procedure Code, 1973 (Cr.P.C.) and by interlocutory order dated 17.7.2006 directed the petitioner to stop carrying on the trade in manufacturing of purified water. Aggrieved by the said proceedings in Rc.No.C3/1110/2006 dated 17.7.2006, the present writ petition is filed.

Heard the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General). As per the explanation to Section 397 Cr.P.C., all Executive Magistrates shall be deemed to be inferior to the Sessions Judge. Therefore, the petitioner has an effective alternative remedy of approaching the District and Sessions Judge by way revision petition under Section 397 Cr.P.C., where he can raise all the grounds, raised herein. The said remedy is more effective than a writ petition. Therefore, this Court is not inclined to go into the matter. Liberty is given to the petitioner to approach the District and Sessions Judge, Khammam, by way of a revision petition under Section 397 Cr.P.C. As and when such revision is filed, the learned District and Sessions Judge may entertain the same and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

August 23, 2006

NOTE:

Issue order copy by

24.8.2006.

(By order)

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